

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA

4 versus

5 JOAQUÍN ARCHIVALDO GUZMÁN LOERA,

6 Defendant.

09 CR 466 (BMC)

United States Courthouse
Brooklyn, New York

February 6, 2019

9:30 a. m.

7
8 TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
9 BEFORE THE HONORABLE BRIAN M. COGAN
10 UNITED STATES DISTRICT JUDGE

11 APPEARANCES

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Proceedings recorded by mechanical stenography. Transcript
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Lisa Schmid, CCR, RMR
Official Court Reporter

PROCEEDINGS

1 (In open court, outside the presence of the jury at 3:15 p. m.)

2 THE CLERK: All rise.

3 THE COURT: Everybody be seated, please.

4 Note number 10, Court Exhibit 10, from the jury is two
5 parts. The first part is, "Can we please get a copy of the
6 testimonies of Rey Zambada and Damaso Lopez and Vicente
7 Zambada?" I'll leave it to the parties to put all that
8 together.

9 The second part of that question is -- second part of
10 the note is, "If members of a drug cartel are killed from an
11 opposing cartel for personal reasons, does that constitute as a
12 drug trafficking crime?"

13 The defense can go first on this one.

14 MR. PURPURA: A simple no.

15 THE COURT: Okay.

16 MR. PURPURA: No, it doesn't. If you have the same
17 thing here. You had a conspiracy in New York and trafficking
18 drugs and someone kills someone because they're having an
19 affair with their wife, then it's not part of the conspiracy.
20 And that's their question.

21 MS. PARLOVECCHIO: With the hypothetical that Mr.
22 Purpura proposed, if someone called killed somebody else
23 because of, you know, a girlfriend --

24 THE COURT: Personal reasons.

25 MS. PARLOVECCHIO: Personal reasons, but I don't

PROCEEDINGS

1 know -- could we get more information on personal reasons?

2 THE COURT: Personal reasons.

3 The way I propose to answer it is to say, "If members
4 of a drug cartel are killed by an opposing cartel for wholly
5 personal reasons, that does not constitute a drug trafficking
6 crime."

7 MS. PARLOVECCHIO: (Nods head affirmatively.)
8 Purchase.

9 MR. PURPURA: That's acceptable. I think that's
10 appropriate.

11 THE COURT: Let's have them in, please.

12 Oh, I should mention that the second note is, "Can we
13 leave at 4:15?"

14 MR. BALAREZO: 3:30, Your Honor.

15 MS. PARLOVECCHIO: Your Honor, could we say wholly
16 personal reasons unrelated to drug tracking? So if that was
17 the only reason --

18 THE COURT: Yes.

19 MR. LICHTMAN: That's redundant.

20 THE COURT: It's a little redundant, but it doesn't
21 hurt.

22 MR. PURPURA: We could simply say, "For reasons
23 unrelated to drug trafficking do not constitute" --

24 THE COURT: I'm going to use more words instead of
25 less to make sure everything is covered.

PROCEEDINGS

1 (Jury enters.)

2 THE COURT: All right. Everyone be seated.

3 Hello, ladies and gentlemen.

4 We have your two notes, the first in two parts saying,
5 "Can we please get a copy of the testimonies of Rey Zambada and
6 Damaso Lopez and Vicente Zambada?"

7 And the answer is, yes, you can. We'll get that to
8 you, and note again that you've asked for the whole testimony,
9 so it's going to take a little time to put that together, but
10 we will do that for you.

11 The second part of your question says, "If members of
12 a drug cartel are killed from an opposing cartel for personal
13 reasons, does that constitute as a drug trafficking crime?"

14 And the answer to that, ladies and gentlemen, is if
15 members of a drug cartel are killed by an opposing cartel for
16 wholly personal reasons not related to drug trafficking, then
17 that does not constitute a drug trafficking crime.

18 And we have your second note which says, "Can we
19 please leave at 4:15?" The answer to that, again, is yes.

20 I will remind you of the admonition that you'll
21 operate under now, so that I don't have to call you back in
22 here at 4:15. The marshals will just come and get you.

23 But please, remember stay away from any media
24 coverage. Do not do any research on the case. Do not talk to
25 anybody about the case. Once you leave that jury room, do not

PROCEEDINGS

1 even talk to each other about that case, not in, you know, when
2 you're coming together, when you're separating. You can't
3 discuss it at all until all 12 of you are back in that room
4 tomorrow. When the twelfth person walks in, then you can start
5 deliberating again.

6 Ms. Clarke also mentioned to me that you thought you
7 might have a problem deliberating Friday. Is that right? Is
8 that the consensus?

9 JUROR NUMBER ONE: For me.

10 THE COURT: Okay. I'm going to check with you again.
11 Things may not change, but if you really can't deliberate on
12 Friday, all of you, then we won't, but I would like you to try
13 to clear that day if you possibly can, but if you can't, I
14 understand. That's not what we had in advance.

15 Okay. Have a good evening. Obviously, if between now
16 and 4:15, you have more notes you want to send, feel free to do
17 that.

18 (Jury exits.)

19 THE COURT: Okay. We're in recess.

20 (Recess.)

21 (Trial adjourned to February 7, 2019, at 9:30 a. m.)
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INDEX

7080

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Court Exhibit 10

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